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"Natural Friends"?

Relations between the United States
and India after 2001

Harald Müller/Andreas Schmidt

Translation: Lynn Benstead

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Correspondence to:

HSFK • Baseler Str. 27-31 • 60329 Frankfurt am Main • Germany

Telephone: +49 (0)69 95 91 04-0 • Fax: +49 (0)69 55 84 81

Email: mueller@hsfk.de • schmidt@hsfk.de

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Summary

Since the end of the Cold War, India has been very much in the ascendant, not only economically and technologically, but also from the military and political point of view. Many observers are therefore already talking about a world power of the 21st century emerging on the Indian sub-continent. It is not surprising, therefore, that India is playing an increasingly important role in the foreign and security policy considerations of the United States, the world's only remaining superpower.

Their respective size, power and geostrategic position mean that bilateral relations between the world's most mighty and the world's most populous democracy are a significant factor for the future world order. Central questions which are relevant for world politics are common positions with regard to the "war on terror", on the one hand, and differences over the legitimacy of armed intervention in the sovereignty of other states, on the other. The long-term characteristics of their respective foreign and security policies are particularly noticeable in the attitude of the two states towards international law (in the context of war and peace), perhaps one of the most important instruments for protecting and shaping the global order.

Despite common political values such as democracy, pluralism and rule of law, the relationship between the United States and India during the East-West conflict and in the following few years was characterized by alienation rather than friendship. India, which had had to struggle for its independence from Great Britain, looked on uneasily as the United States took on the legacy of the former colonial powers within the framework of its anti-communist foreign policy (for example in Vietnam) and supported coups to overthrow democratically elected governments in South and Central America. On the other hand, New Delhi's reputation suffered significantly in Washington as a result of India's role as a leader of the Non-Aligned Movement and its proximity to the socialist economic model of the former Soviet Union. The "thaw" did not begin until India started to gradually open up its economic system in the early nineties. Paradoxically, following initial U.S. sanctions, India's nuclear tests in 1998 also prompted a positive re-assessment of India's role in American foreign and security policy. From then onwards, the relationship improved noticeably and assumed a new strategic character following the events of 11 September 2001.

India has been the target of terrorist aggression since it was founded in 1947. The biggest problem for New Delhi in the meantime is transnational Islamist terrorism. Anti-Indian, militant Islamic fundamentalism is nourished primarily by the continuing Indian-Pakistani conflict over the Kashmir region. This has led to three wars (1947/48, 1965, 1999) between the two neighbouring nuclear powers, also bringing them to the verge of nuclear war in 1990, 1999 and 2001/2002. It is not surprising therefore that India takes a keen interest in the fight against terrorism and in international cooperation which serves this goal.

The attacks of 11 September 2001 suddenly provided India with an opportunity to close ranks with the world's largest military power on the basis of converging interests. India offered the United States its full and unreserved support in the "war on terror" in an un-

precedented declaration of solidarity. Shortly afterwards, U.S. President Bush and the Indian Prime Minister Vajpayee described in a joint declaration the common war on terror as the mainspring of their countries' mutual relations. When the Indian sub-continent was hit by a new wave of terrorism from Pakistan in 2001/2002, the United States increasingly supported the Indian position and exercised tremendous political pressure on its ally Pakistan, despite the fact that it urgently needed Pakistan's support in the fight against the Taliban regime in Afghanistan. All things considered, the Indian Government's decision to side with the United States in the fight against transnational terrorism can be regarded as a political success. For the first time, the United States described the elections in Jammu and Kashmir in autumn 2002 as "*free and fair*", and called upon the Pakistani Government to put an end to transnational terrorism emanating from its territory. Moreover, the anti-terrorism alliance, which was forged following the attacks of 11 September 2001 and was further consolidated in the course of the wave of terror in India in 2001/2002, prepared the ground for expanding bilateral relations between Washington and New Delhi in other fields.

As a result, both states have not only expanded their trade relations spectacularly in recent years, but have also intensified their military cooperation. Furthermore, a recent nuclear agreement with the United States means that India has *de facto* officially been admitted to the club of nuclear weapons states. The so-called nuclear deal means that India now has access to the world's nuclear market, a factor which is extremely important for the country's energy supplies.

The partnership with a thriving India is playing an increasingly important role in the United States' "Grand Strategy", particularly in the context of Washington's competition for power with its challenger, China. Washington wants New Delhi to act as a counterbalance to China in Southern Asia in order to contain Beijing's influence in the region. Many observers conclude that India and the United States are not merely strategic partners, but much rather "natural friends": two democracies with the same opponents (China, Islamist terrorism), the same values, transnational networks and concurring economic interests. However, it would be overhasty to presuppose perfect harmony between Washington and New Delhi.

Contrary to the hopes of policy-makers in Washington, India did not simply let itself become integrated in the United States' foreign and security policy. On the contrary, New Delhi continued to uphold its traditionally high opinion of (its own) state sovereignty and studied the demands of its new ally in the light of its own interests and principles (a right which the United States also claims for itself). Policy-makers in New Delhi refused to pursue a policy of counterbalance with China in the way which the United States expected and instead followed an independent course in relations with Beijing with the aim of improving bilateral relations. The success of this policy is demonstrated by the significant increase in trade between the two Asian giants.

Nowhere were the limits on the anti-terrorism alliance as clear as in India's harsh criticism of the United States' war against Iraq in early 2003. This was due to considerable differences over shaping the international order. The United States has increasingly developed an instrumental relationship towards international law, appealing to it when it

serves American interests and ignoring it when it contradicts these interests. It appears that international law is much more firmly anchored as a fundamental principle of order in India. In the meantime, India sees its interests and its position of power well protected by the international legal order which safeguards its sovereignty. Unlike the United States in recent years, India does not regard international law and international organization as a ball and chain but as a support for its own sovereignty. India cannot in the foreseeable future be expected to participate in military actions which are unilateral and thus outside the framework of the United Nations.

Two predictions are thus of special interest for the developing world order. On the one hand, India will insist on forming its own “pole” in a fairly multi-polar system. It will not allow itself to become involved as a vassal – however important – in a new bipolar system involving an American-led and a Chinese-led coalition. On the other hand, there is a possibility that India could act as an ally to all those forces which are working towards a world order based on international law with a strong United Nations Organization. Indo-American relations will tend to be more tense or more harmonious depending on how far President Obama continues the United States’ policy of regarding its freedom to act as being free from multilateral constraints, a trend which has been evident since the mid-nineties, or perhaps even seeks new constraints in Washington’s own well-understood interest.

It is interesting to note from the German point of view that the Indian attitude towards international law and the United Nations is considerably more in line with Berlin’s policy than with that of Washington – or has at least been so in recent times. From Germany’s perspective, it would therefore be wise to further consolidate relations with India. India could be an interesting ally when it comes to asserting and expanding the international legal order, even in the face of occasional disapproval from Washington.

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1. Introduction

The rapid improvement in Indo-American relations over the last ten years has often led commentators to speak of the world's two largest democracies as natural "allies" or even "natural friends". "Obamania" can be expected to strengthen these hopes still further. This report studies the question of whether one can anticipate such close unity between Washington and New Delhi. This is an important factor for the future world order. Our study focuses on two central questions which are related: On common positions on the "war on terror", on the one hand, and on differences with regard to the legitimacy of armed intervention in the sovereignty of other states, on the other. These closely related problems – the fight against terrorism and interventionism – affect India's relationship with the United States and thus contribute to the new cartography of world politics. An evaluation of the Indo-American relationship would appear all the more significant at the present time as the new American President now has an opportunity to set a fresh tone in these relations.

India and the United States share a vital interest in the fight against transnational terrorism, which has brought such dreadful suffering to both countries. Furthermore, both countries have a common desire to prevent China from becoming a hegemonic power in Asia. The two large market economies are also brought closer together by their mutual economic interests. Nevertheless, it would be rash to assume perfect harmony between Washington and New Delhi. Nowhere is this so obvious as in India's harsh criticism of the war against Iraq – both among the general public and in Parliament – (just as it similarly dissociated itself from NATO's intervention in Kosovo). This criticism indicates continued political differences which touch on fundamental questions of world politics.

The report begins with a brief outline of India's relations with the United States following the foundation of the Indian Union. The third chapter traces the reactions of both sides to the terrorist attacks in both countries in autumn 2001 and spring 2002. Chapter 4 describes the subsequent intensification of bilateral relations and analyses the current status of Indo-American strategic and economic relations. As already mentioned above, the limits to bilateral harmony were demonstrated by the partners' different positions on the Iraq War (Chapter 5). These are deeply rooted in India's attitude towards national sovereignty (anchored in international law), which does not tolerate the extensive relativization of international law contained in the Bush Administration's doctrine of prevention. A constellation emerges where India, although willing to cooperate, is at the same time intent on its own independence and freedom to act, where it seeks both proximity *and* distance from the waning superpower.

Germany and the European Union must now consider what position to adopt towards this dynamic relationship between two great powers, which – together or alternatively with China – will exercise a significant influence on world politics, shifting the focus increasingly onto the Asian-Pacific region instead of the transatlantic region.

2. Estranged democracies: India and the United States before 11 September 2001

Bilateral relations between India and the United States were clearly dominated by political differences rather than political agreement during the entire Cold War period and in the years immediately following (Kux 1993; Wagner 2005). One might have assumed that a close friendship could have been forged on the basis of common democratic values – and because the United States had initially sympathized with decolonization. But this was not the case. India looked on with increasing distrust as the United States took over the legacy of the colonialists (for example, in Vietnam or in Iran in 1953), supporting coups against democratically elected governments from Guatemala to Chile in order to preserve its hegemonic position in its own backyard. The fact that the United States chose India's arch-enemy, Pakistan, as its ally further contributed to this estrangement.

Washington, on the other hand, could not understand India's position as a non-aligned state or Nehru's sympathy for the Soviet economic model. Although India always had an active and robust entrepreneurial sector, the enthusiasm of the Congress Party's leadership for state interventionism imposed a heavy bureaucracy on the private sector. New Delhi also greatly admired Moscow's support for national liberation movements during the period of decolonialization. The further the Soviet Union and the People's Republic of China (which India meanwhile regarded as a threat) grew apart and became hostile to one another and the closer the United States and China became following the spectacular break-through in 1971, the nearer India became to the Soviet Union and the wider the rift with the United States (Rauch 2008). Moscow was the main supplier of arms to the Indian army, whilst Pakistan obtained its weapons from America and China. The sanctions which the United States imposed on India's nuclear programme after 1974 placed an additional strain on the relationship (Perkovich 1999).

Tensions between the two nations reached a climax when President Nixon sent an armed aircraft carrier to the Gulf of Bengal in 1971 to signalize that the United States would not remain neutral if India, after intervening in East Pakistan, were also to launch an offensive against West Pakistan. The Indian Government interpreted this naval manoeuvre as a nuclear threat. This experience contributed towards the decision three years later to conduct a nuclear test (Gandhi 2002).

India still felt under pressure from the United States even in the nineties: Every year, the U.S. Congress issued a resolution condemning India's action in Kashmir, without voicing any similar criticism of Pakistan (the pro-Pakistani Kashmir lobby in Washington was very strong at the time). Washington deliberately overlooked the terrorism in Kashmir originating from Pakistani territory. Furthermore, Washington exercised strong diplomatic pressure to force India to join the Non-Proliferation Treaty and later the Test Ban Treaty (Hathaway 2001). India felt that it was being treated unfairly compared with China and also noted with displeasure that Washington was doing very little to stop Pakistan's on-going nuclear programme and was simply looking on as China supported this programme, without making any significant protests.

The "thaw" only began when India's rapid economic development and its breakthrough to become a nuclear weapons state in 1998 caused a fundamental change in Washington's perception of the new power on the Indian sub-continent. This was demonstrated by the United States' siding with India in 1999 when Pakistan invaded the Kargil region of Karakorum in order to gain control of a strategically important highway. The United States and the international community condemned Pakistan's attempt to internationalize the Kashmir question through an undeclared war of aggression. Islamabad withdrew its troops after President Clinton intervened personally (Ganguly 2006a: 48f). Washington's support came as a complete surprise to the Indian Government and found a very positive echo in the Indian Union (Mohan 2006: 27). Clinton's subsequent state visit to New Delhi in 2000, the first by an American President for twenty-two years (Adhikari 2004: 160), marked a turning point in Indo-American relations when the United States voiced its support for India's position on Kashmir (Kronstadt 2007: 9). The relationship improved noticeably thereafter. The events of 11 September 2001 gave it a new strategic character (overview: Adhikari 2004).

3. United against terrorism: Indo-American solidarity

3.1 India and terrorism

The events of 11 September established a common bond between the two states in so far as both suffered from terrorism. The plague of terrorism had been afflicting India ever since the nation was founded (Wagner 2003: 13). Three of India's political leaders, Mahatma Gandhi, Prime Minister Indira Gandhi and her son Rajiv, also Prime Minister, died at the hands of terrorists. The background to the attacks was different in each case: Mahatma Gandhi was killed by a Hindu fanatic. Since then there has been a constant stream of Hindu nationalist terrorism (against Muslims, Christians, but also against secular Hindus who support reconciliation). This occasionally escalates into organized pogroms against Muslims. Indira Gandhi was murdered by two of her Sikh bodyguards at the height of the conflicts in Punjab, where a series of terrorist attacks had turned into open guerrilla warfare. Rajiv Gandhi was the victim of a female Tamil suicide bomber. The population groups in East India were striving for independence or the status of an independent federal state. The methods they adopted varied between legal protests, guerrilla warfare and terror. The combination of guerrilla warfare and terrorist attacks was also typical of the strategy adopted by the Maoist Naxalite movement in Central India (Müller 2006, 101–132). In other words, India has had long years of experience with terrorism.

The examples stated above were "home-grown" problems. Today, Indian analysts focus on the threat of transnational terrorism and India also experienced this variety of terrorism earlier than other countries. The Union Government's biggest current concern is the problem of Islamist terrorism in Kashmir. These worries have increased since it became evident that there are also Islamist terrorist cells, presumably with contacts abroad,

in other regions in India. These regions have seen regular clashes between the Hindu majority and the Muslim minority, usually triggered by fanatical Hindus. Surprisingly enough for a nation with a minority of 120 million Muslims distributed all over the country, terrorist operations launched by Muslims remained relatively rare (compared with Jammu and Kashmir) right up until recent years.¹ The bloody attacks in Mumbai in November 2008 indicate that the situation has now changed.

Islamist terrorism is not only so volatile because of the transnational links between terror networks and the opportunities for recruiting dissatisfied young Muslims (who on average have poorer opportunities than Hindus of the same age). The militant Islamic fundamentalism targeted against India is fuelled primarily by the continuing Indo-Pakistan row over the Kashmir region, which in the past has led to three wars between the two neighbouring nuclear powers (1947/48, 1965, 1999) and brought them to the verge of nuclear war in 1990, 1999 and 2001/2002 (Ganguly 2006a: 45).² This terrorism draws its strength and endurance from the availability of safe havens in Pakistan and from targeted support from Pakistan's secret service, particularly in the form of logistical assistance when crossing the border, the provision of funds, the establishment of training camps and supplies of weapons (Wagner 2003: 13; Ganguly 2001). In how far Pakistan's central government can control the secret service (Inter-Services Intelligence: ISI) is an open question. It is also not known whether and, if so, to what extent Al Qaida or other Islamist groups have already penetrated this organization. The fact that these terrorists have a safe haven on the territory of an enemy nuclear weapons state is an enormous problem for India's security and stability. The transnational nature of Islamist terrorism therefore has a particularly threatening quality as far as India is concerned.

The attack on the Red Fort world heritage site in Delhi (The Hindu 2000) and the hijacking of *Flight 814* to Kandahar (Swami 2000; Embassy of India 2000) are just two prominent examples demonstrating the range of terrorist aggression to which the Indian population was already exposed prior to 11 September 2001. India therefore has a vital interest in international cooperation in the fight against terrorism. The attacks of 11 September 2001 suddenly led to a previously unknown coincidence between the interests of India and the United States.

1 In 2008 alone, there were at least ten attacks by Islamist terrorists outside the region of Jammu and Kashmir. Detailed information is available on the homepage of the South Asia Terrorism Portal http://satp.org/satporgtp/countries/india/database/OR_9-11_majorterroristattacks.htm (1.12.2008).

2 Over the last twenty years, the Kashmir conflict has cost approximately 60,000 lives in India (Kronstadt 2007: 51). Precise figures are available on the South Asia Terrorism Portal <http://satp.org/satporgtp/countries/india/database/indiafatalities.htm> (18.9.2008).

3.2 The consequences of 11 September 2001

The U.S. Government reacted resolutely to the attacks in its own country and focused its foreign and security policy on the *"war on terror"*. In his famous speech of 20 September 2001, President George W. Bush said that the United States would not rest until transnational terrorism had been eradicated. He faced the international community of states with an uncomfortable choice: "Either you are with us, or you are with the terrorists" (The White House 2001).

Against the background of its own experience with terrorism, India did not find it difficult to position itself. After all, this was the first opportunity to close ranks with the world's largest military power on the basis of converging interests. In a personal letter to President George W. Bush of 12 September 2001, the Indian Prime Minister expressed his horror at the attacks of the previous day and his condolences. At the same time, Vajpayee referred to the need to step up the joint efforts in the fight against terrorism:

"We stand ready to cooperate with you in the investigations into this crime and to strengthen our partnership in leading international efforts to ensure that terrorism never succeeds again" (Press Information Bureau, India 2001a).

The Indian Government under the leadership of the Hindu-nationalist BJP set great store in the United States' pledge to fight terrorism in all its forms because India equated the term *terror* with the support which Islamabad provided to diverse Islamist terror organizations (Clad 2002: 17). Accordingly, the then Minister of External Affairs Jaswant Singh identified the germ cell of transnational terrorism in Pakistan:

"For many years, we had known what Pakistan is doing – the spread of the Taliban, and the training camps which were the centers of training of terrorists. The whole world knew that these camps had been training terrorists not only from Pakistan and Afghanistan, but also from diverse parts of the world" (Ministry of External Affairs, India 2001a).

Two days later, Vajpayee continued the argument of his Minister of External Affairs in his address to the nation:

"[...] we in India have been alerting others to the fact that terrorism is a scourge for all of humanity, that what happens in Mumbai one day is bound to happen elsewhere tomorrow, that the poison that propels mercenaries and terrorists to kill and maim in Jammu and Kashmir will impel the same sort to blow up people elsewhere" (Ministry of External Affairs, India 2001b).

The political decision-makers in New Delhi thus tried to use the events of 11 September 2001 to turn the attention of the international community to the problem of cross-border terrorism in their own country, to move closer to the United States, to discredit Pakistan, and to at least indirectly seek a solution to the Kashmir question in India's favour (Wagner 2003: 23). New Delhi believed that an alliance between India and the United States in the fight against terrorism could advance these aims. With this calculation in mind, the Indian Government promised the United States its full support in an unparalleled declaration of solidarity immediately after the attacks of 11 September 2001. It even offered the United States the use of Indian bases for its anti-terror operations (Kronstadt 2007: 9).

Although Washington gratefully turned down India's offer, it was acknowledged favourably (Ganguly 2006b: 22). India's geographical position meant that it was not suitable

as a deployment zone against the Afghan Taliban regime. Instead, the United States availed itself of the assistance of Pakistan, whose immediate vicinity to the Taliban state made it the best starting point for operations. Washington needed the support of the then President Pervez Musharraf in the search for Osama Bin Laden and other terrorists, who were believed to be on Pakistani territory. It also needed his support to overcome the Taliban and in the subsequent attempt to bring peace to Afghanistan and prevent the radicalization of the Islamic population in Pakistan (Carter 2002: 42). Consequently, nothing became of India's hope that the United States would focus its sights on Pakistan in the course of its anti-terror campaign or would even place it on the list of so-called "rogue states". Pakistan was much too important to the United States in its role as a strategic partner. Ironically, Islamabad's involvement in the United States' anti-terror alliance meant that the two arch rivals, India and Pakistan, were officially on the same side of the trench for the first time since independence (Feinstein 2002: 11). This situation met with strong reservations in New Delhi, however, because the Indian Government saw Pakistan as a serious problem with regard to transnational terrorism and not as part of the solution (Wagner 2003: 13).

3.3 The new wave of terror in India and the United States' reaction

India was struck by a new wave of terrorism just a few weeks after 11 September 2001. It began with a suicide attack on the legislative assembly in Srinagar with more than thirty dead and twice as many injured (Müller 2006: 213). The militant Islamist terror organization Jaish-e-Mohammad (JeM, "Army of the Prophet Mohammed"), which is centred in the Pakistani part of Kashmir, claimed responsibility for the bomb attack (The Hindu 2001a; Wagner 2006: 199). India refrained from retaliation despite corresponding demands from groups in Jammu and Kashmir (Müller 2006: 213). The Indian Government waited. It was confident that the United States would use the recent attacks to make it clear to those responsible in Islamabad that it would not tolerate their ambivalent attitude towards transnational terrorism. In its attempt to obtain support against Pakistan, India appealed to UN Security Council Resolution 1373, which had been passed at Washington's instigation shortly after the attacks of 11 September 2001 (Muralidharan 2002). This expressed the expectation that all states shall

"refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, [...] take the necessary steps to prevent the commission of terrorist acts, [...] deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens, prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens" (United Nations 2001).

There was great disappointment in India therefore when Foreign Minister Jaswant Singh paid a state visit to the United States in October 2001 and neither President George W. Bush nor Secretary of State Colin Powell managed to outrightly condemn Pakistan's role in supporting cross-border terrorism (The Hindu 2001b; Muralidharan 2001; Swami 2001). But as if this was not enough: In October 2001, the United States announced the complete lifting of sanctions against India *as well as* Pakistan, which the Clinton Admini-

stration had imposed following the nuclear tests conducted by both countries in spring 1998 (Kronstadt 2007). India noted this equal treatment of obviously unequal states with shock. It dimmed the prospect of the United States providing direct support in the fight against terrorism emanating from Pakistani territory (Feinstein 2002: 7).

In November 2001, U.S. President George W. Bush and the Indian Prime Minister Vajpayee merely issued a relatively vague joint declaration in which both heads of state emphasized that the fight against transnational terrorism was the mainspring of bilateral relations between their two countries and that they intended to intensify their cooperation in this area still further (The White House 2001b). Indeed, the Indo-U.S. *Defence Policy Group* (DPG) was reactivated at a meeting in New Delhi that same year. This was the first meeting since the Indian nuclear tests in Pokhran in 1998. At the same time, the two sides agreed on a "*defence partnership*" and a regular dialogue on topics which were relevant to defence, thus bringing defence policy cooperation to life (Kronstadt 2007: 10). They also expressed their support for the *Joint Working Group on Counterterrorism*, which had been established in 2000 but had experienced initial difficulties. Regular bilateral meetings have taken place ever since (Kronstadt 2007: 9).

India's patience with its Pakistani neighbours was once again put to the test when a terrorist attack took place on the Indian Parliament in New Delhi on 13 December 2001. This was the most spectacular attack in India's history. The Indian Government strongly condemned the act of terror as a direct attack on India's democracy (Ganguly 2006a: 48). Indian security forces were at least able to prevent the five assailants from entering the fully occupied assembly hall. The thirty-minute exchange of fire, during which all the terrorists were killed, cost the lives of six members of the security forces and one civilian. Eighteen people were injured, some of them seriously (The Hindu 2001c). Once again, the Pakistani terror organization Jaish-e-Mohammad claimed responsibility for the attack (Ganguly 2008: 36).

India chose a dangerous response in reaction to the events of 13 December 2001 in order to demonstrate its determination to refuse to tolerate such attacks in future (Sagar 2004: 122). The Indian Government mobilized its troops along the *Line of Control* (LoC)³ and positioned its fleet off the coast of Pakistan. It recalled the Indian Ambassador from Islamabad and cut off all transport links with Pakistan (Ganguly 2006a: 48). At the time, eighty percent of the Indian population were in favour of an act of retaliation (Müller 2006: 213). Even the United States acknowledged that India had the right to defend itself, even if Washington did call for caution in order to avoid a military and possibly nuclear escalation of the situation (The White House 2001c).

In order to calm the crisis and to placate the Indian Government, the United States for the first time blamed Islamabad for the cross-border terrorist attack and made President Musharraf promise to put an end to the constant aggression in Kashmir (Mohan 2006: 20). On 12 January 2002, Musharraf declared his willingness to ban a number of Islamist

3 "Line of Control" is the militarily control line between India and Pakistan in Kashmir.

terror organizations in Pakistan and to freeze their bank accounts (Wagner 2003: 24). These groups included the notorious JeM and LeT.⁴ At the same time, the United States included these two groups on the State Department's list of *Foreign Terrorist Organizations* following intensive pressure from India (Ganguly 2008: 36).

India did not trust President Musharraf's promise to put an end to the infiltration of Islamist terrorists across the Indian-Pakistan border. New Delhi was convinced that Pakistan's attitude towards cross-border terrorism had not changed at all (Ministry of Defence, India 2002: 4). Accordingly, the crisis intensified when an attack was made on an Indian military basis near Jammu on 14 May 2002, for which three members of the LeT were responsible (Ganguly 2008: 36; Swami 2002). First of all the assailants hijacked a bus in Kaluchak, shot dead several passengers and forced the driver to head for a nearby army camp. Here, armed with hand grenades and machine guns, they forced their way into the family quarters where they delivered an exchange of fire lasting several hours with members of the Indian army (The Hindu 2002a). A total of thirty-two people died in the attack, including eleven women and eleven children. Thirty people were wounded, many of them seriously.

The Indian side thus regarded President Musharraf's promise to deal resolutely with cross-border terrorism as pure pretence and the much-feared war between the two neighbouring nuclear weapons states seemed imminent.⁵ A press statement by Prime Minister Vajpayee just a few days after the attack in Kaluchak fuelled these fears :

"The terrorist attack at Kaluchak was designed to demoralise the people of India and our security forces. [...] The same sinister design was also evident from the terrorist attacks on J&K Legislative assembly in Srinagar on October 1 and on the Indian Parliament on December 13. These acts of violence are a part of the twenty-year-long campaign of terrorism, extremism and subversion in J&K and in other parts of India, planned, aided and abetted from across the border. We will not let Pakistan carry on with its this [sic] proxy war against India any longer. [...] India has accepted the challenge thrown by our neighbour and we are preparing ourselves for a decisive victory against the enemy" (Press Information Bureau, India 2002).

The United States once again made an enormous effort to prevent the renewed outbreak of terrorist violence in India from leading to an armed conflict between the two nuclear powers. On the one hand, U.S. President Bush conveyed his horror over the events in Kaluchak in a telephone conversation with India's Prime Minister Vajpayee and expressed his appreciation of the tense situation which the Indian Government was facing. At the same time, he avoided urging the political decision-makers in New Delhi to exercise restraint (The Hindu 2002b). On the other hand, on the same day, the Press Office of the White House announced that the United States would use its influence to ensure a

4 The abbreviation LeT stands for Lashkar-e-Toiba ("Army of the Pure"). Following the ban in January 2002, the groups simply changed their names to Anjuman Khuddam-i-Islam (previously JeM) and Jamaat-du-Dawa (previously LeT) and continue to exist (Wagner 2006: 199). The report will therefore continue to use the old names for the follow-up period.

5 On 13 July 2002, Pakistani terrorists made a further attack on Indian territory. This time the target was purely civilian, a residential neighbourhood in Qasimnagar (Ministry of Defence, India 2003: 3).

peaceful solution to the bilateral tensions between India and Pakistan (The White House 2002). In the meantime, voices were becoming louder within the opposition Indian Congress Party questioning the benefit of the Anti-Terror Alliance (Lok Sabha 2002: Shrimati Sonia Gandhi). The United States was also accused of using different yardsticks with regard to transnational terrorism because it continued to regard Pakistan as an ally (Wagner 2003: 13).

3.4 The United States' dilemma and the strengthening of India's position

The events of 11 September 2001 had caused Washington to reassess the question of Pakistan-supported cross-border terrorism more than politicians in New Delhi were aware. Washington now believed that this could represent a direct threat to the United States. The regional problems on the sub-continent thus presented the United States with a diplomatic dilemma. On the one hand, it needed Pakistan for strategic reasons as an ally in the "war on terror". On the other hand, Washington did not want to cause offence to India or to be seen to measure cross-border terrorism with different yardsticks (Clad 2002: 20). A war between the arch-rivals would certainly have been the worst conceivable alternative as far as the United States was concerned. An escalation would have led to the destabilization of the entire region and thus made the fight against transnational terrorism and the Taliban regime in Afghanistan even more difficult. This had to be prevented under all circumstances. Washington therefore increased its diplomatic pressure on Islamabad and used all its political influence on the Asian sub-continent to avert the impending catastrophe.

One cannot say for certain whether Washington's efforts were ultimately the sole reason that India refrained from taking vigorous action in reply to the constant provocations from the Pakistani side. The fact that India at the time would not have been in a position to conduct a decisive conventional military strike against Pakistan would certainly also have played a role. Furthermore, one should not underestimate the deterrent effect of the mutual possession of nuclear weapons (Ganguly 2008: 37).

There was subsequently a significant decline in the incidence of cross-border terrorism emanating from Pakistan, even if it did not cease entirely. Furthermore, Islamabad did not openly express its sympathy with the so-called "freedom fighters" any longer and officially declared that it had stopped providing any type of support for terrorist organizations (Ganguly 2006a: 50). Nevertheless New Delhi continued to consider that almost every type of cross-border terrorism bore the signature of the Pakistani Government. Accordingly, it continued to regard Pakistan as the hotbed of transnational terrorism, both in the region and beyond (Ministry of Defence, India 2003: 2). For this reason India still kept approximately 250,000 soldiers stationed in the Kashmir region years after the 2001/2002 wave of terrorism had receded (Ganguly 2006a: 49). The Indian military is now well-prepared for an emergency and would be able to react vigorously in the event of a renewed threat to its vital security interests.

In the meantime, India has come to terms with the fact that the U.S. Government does not want to break with Pakistan. This is not detrimental to India's cooperation with the United States in the fight against terrorism. The Indian and U.S. secret services constantly exchange relevant information – something which would have been unthinkable during the Cold War. India supports the U.S. Afghanistan policy and is one of the countries which has the closest relations with the Karzai Government, providing generous economic aid. India has already invested more than 650 million dollars in rebuilding Afghanistan since the fall of the Taliban regime (Mohan 2006: 23). Of course, India is also taking advantage of this opportunity to weaken Pakistan's position in Afghanistan.

All in all, the Indian Government's decision to position itself on the side of the United States in the fight against transnational terrorism and to thus prompt a more balanced U.S. policy in South Asia can be seen as a political success. For the first time, the United States described the elections in Jammu and Kashmir in autumn 2002 as "*free and fair*" and demanded in strong terms that its ally Musharraf should prevent cross-border terrorism emanating from Pakistani territory. This put India in a better position for future negotiations with its western neighbour. In addition, the Anti-Terror Alliance, which was forged following the attacks of 11 September 2001 and consolidated in the course of the wave of terror in India in 2001/2002, also prepared the ground for expanding bilateral relations between Washington and New Delhi in other sectors.

4. "Natural friends" or strategic partners?: The new Indo-American relations (2001–2008)

This new Indo-American solidarity against transnational terrorism paved the way for a partnership, which Washington and New Delhi officially launched in 2004 and which is based on joint strategic and economic interests as well as on common values such as democracy, pluralism and rule of law (Kronstadt 2007).

4.1 Trade relations and military cooperation

George W. Bush's visit to India in March 2006 demonstrated the extent to which relations between the two countries had improved. Although there were mass demonstrations against the American guest in several cities (with a high level of participation by Indian Muslims), India's politicians gave him a warm welcome. The highlight of the visit was the signing of the bilateral nuclear agreement which admittedly still had to overcome some hurdles before it entered into force in 2008 (Müller/Rauch 2007, cf. below).

Indo-American trade relations have developed significantly. Their volume had dropped since the sixties only to increase again in the course of the reforms in India in the nineties and to rise still further within the framework of the improvements in overall relations (Figure 1). American direct investments in India have increased almost twenty-five fold

Figure 1: Indo-American Trade 2000–2007 (U.S. Dollars, adjusted for inflation)

[illegible]

Military cooperation increased rapidly in the run-up to and the aftermath of Bush's visit to India. The basis for this was provided by the 2005 Defence Agreement, which is to run for ten years. Whereas the Soviet Union and, following its collapse, Russia had traditionally been the Indian Union's most important suppliers of weapons, the Indian armed forces today enjoy access to the products of the American arms industry, which in turn is delighted with this new lucrative growth market (Figure 2). Arms imports from the United States have risen rapidly since – beginning at a low level. *Inter alia*, India has procured the Patriot PAC-3 air defence system, which is also intended for use against short and medium-range missiles. In 2008, India signed an agreement with Lockheed-Martin for the purchase of Hercules transport aircraft worth 1 billion U.S. dollars. Negotiations are currently taking place on the transfer of F-16 and F-18 combat aircraft (Boucher 2008). It is striking how many of these American arms exports strengthen India's power projection capability, that is to say give its armed forces the capability to operate far beyond the requirements of national defence. This suggests that Washington regards New Delhi as an ally, not as a rival. This status was confirmed in the Pentagon's Quadrennial Defense Review of 2006. India is viewed as a rising world power and as a key strategic partner and Indo-American cooperation in the field of counter-proliferation and in the "war on terror" is compared with the cooperation which links the United States with its NATO allies, Japan, Australia and South Korea. Increasing the military capabilities of these partners is quoted as a U.S. objective (U.S. Department of Defense 2006: 28, 88).

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|--------------------------------------|--|------|------|------|------|------|------|------|
| | <i>in million USD at current 1990 prices</i> | | | | | | | |
| USA Military Exports to India | 3 | | 3 | 3 | 3 | 3 | 53 | 79 |

Source: Sipri Arms Transfer Database 2008: major conventional weapons (more info: http://sipri.org/contents/armstrad/output_types_TIV.html)

India and America conduct joint exercises involving all branches of their armed forces. The Indian Navy, which carries out annual manoeuvres with its American counterpart, is meanwhile providing the American Navy with direct operative support by escorting American transports through the Straits of Malacca or patrolling the area together with vessels from the U.S. Navy's 7th Fleet (Schreer/Wagner 2005: 2; Ganguly 2006b: 24). This cooperation proved most useful during the humanitarian aid operations in the aftermath of the tsunami in winter 2005 as both navies were quickly on the spot, worked together smoothly and provided what was by far the largest share of aid.

Particularly remarkable was the joint army manoeuvre in the highlands of Ladakh (Kashmir) when the U.S. armed forces demonstratively assisted in training their Indian partners for operations which could be aimed against China or Pakistan (Ganguly 2005). The joint exercises involving the special armed forces, which have already taken place five times, are disquieting as far as Pakistan is concerned (Kronstadt 2008: 47).

The swing in public opinion in India is perhaps the most important indicator with regard to the sustainability of the Indo-American "thaw": Surveys in recent years show sympathy values for the United States of between fifty and seventy percent. This increase in favour of the United States is particularly striking against the background of the dramatic deterioration in the country's image in most other parts of the world (Figure 3): India is one of the very few diplomatic success stories of the Bush Administration. This change is, of course, very significant for the relationship between the world's current leading power and the emerging powers in Asia.

Figure 3: Survey in India: "How favourable is your opinion of the United States?"

| | | Favourable | | | Unfavourable | | | |
|--|-------------|------------|------|--------|--------------|------|--------|------------|
| | | Total | Very | Fairly | Total | Very | Fairly | No Opinion |
| India | Spring 2006 | 56 | 18 | 38 | 28 | 14 | 14 | 16 |
| | May 2005 | 71 | 29 | 42 | 17 | 9 | 8 | 12 |
| | Summer 2002 | 54 | 22 | 32 | 27 | 16 | 11 | 19 |
| Source: Pew 2006 http://pewglobal.org/reports/pdf/255topline.pdf (3.11.2008) | | | | | | | | |

4.2 The great-power triangle

The fact that the United States has courted India so persistently is not only connected with the "war on terror": After all, Washington's change of political direction was already evident before 11 September 2001. India's position had changed dramatically under the United States' "Grand Strategy" due to its status as a nuclear weapons power and its rapid economic development: Whereas Washington had considered India a negligible entity

until well into the nineties, it was now regarded increasingly as a useful assistant in the contest for power between the U.S. and its challenger, China. Washington wanted India to act on behalf of the United States as a counter-balance to China in South Asia and to curb the latter's influence in the region (Carter 2002: 41; Burns 2007: 139).

India for its part played the American card with great skill in its relationship with China. The Indian Government was, of course, well aware of the fact that, despite the emphasis on common democratic values, Washington's main interest in its new partnership with New Delhi was related to India's role in the Asian balance of power. India's growing strength neutralized at least part of China's might and thus made it easier for the U.S. to assert its own position vis-à-vis the emerging power in East Asia. The very existence of a mighty India ties up China's power resources, thus making it easier for the United States to manage the balancing act in East and South Asia, where promises of protection to official and non-official clients such as Japan or South Korea, Singapore or the Philippines are becoming more complicated. Although the United States is seeking an acceptable relationship with China, it would still like to have the Indian "continental dagger" up its sleeve. The United States has to live with a more troubled relationship with China than with India because of its role as a protective power for Taiwan, but also because its ambitions seriously hamper China's hegemonic opportunities in East Asia, the most important region for Beijing.

India is playing its part as a "counter-weight" to Chinese preponderance with great discretion and is at the same time responding to Chinese overtures to improve bilateral relations – for example to regulate border disputes. Joint army and navy manoeuvres have even taken place in recent years (Kronstadt 2008: 22). China, of course, sees through Washington's counter-balance scheme. Under all circumstances, Beijing wants to avoid being confronted with a strong Indo-American alliance with a staunch military component. It is therefore interested in flourishing relations with its Indian neighbour. This strategy is also supported by economic interests: trade between the two growth poles has been increasing by double-figure percentages over the last few years. With a volume of 39 billion U.S. dollars in 2007, it was approximately equal to trade between India and the United States (Martin/Kronstadt 2007: 37).

China has even recently supported India's claim to a permanent seat on the UN Security Council (Kronstadt 2008: 23). India is drawing closer to China in its own interest. It would like to see a relaxation of the Chinese-Pakistani alliance. Recognition of India's claims to disputed territories (the federal states of Sikkim and Arunachal Pradesh) would relieve the pressure on India's frontiers. Moreover, it would help internal stabilization if India could be certain that China would not provide any support for the Maoist Naxalite guerrilla movement, which currently represents the greatest threat to stability within the Indian Union (Emmott 2008).

India therefore understandably has an interest in good relations with both the United States and China and is being courted by both sides. India's relationship with both is better than their relationship with one another. This allows India to maintain and extend its own latitude for action despite its rapprochement with the American superpower. For example, India thoroughly supports the American national missile defence programme,

thus encroaching upon a central Chinese interest. On the other hand, like China, it opposes the United States' Iraq policy (Yuan 2007, cf. below).

4.3 The nuclear agreement and the "Indian lobby"

The conclusion of the Indo-American nuclear agreement revealed the advantages which India can gain from a skilful see-saw policy. The United States' strong interest in a strategic partnership with India meant that, following long decades of its civil nuclear programme being isolated from the international transfer of technology, New Delhi finally succeeded in gaining *de facto* (if not *de jure*) recognition as a nuclear weapons state. The concessions which New Delhi had to make in return – subjecting the part of its nuclear programme which it describes as "civil" to the verification measures of the International Atomic Energy Agency – are small by comparison. India has not only gained access to the transfer of civil technology and hardware from the United States, but also from the entire Nuclear Suppliers Group. Only the American superpower was able to effect this change of course against the background of considerable discomfort within the Group (and within the U.S. Congress) over amendments to important principles of the nuclear non-proliferation regime (Müller/Rauch 2007). The decision by the Nuclear Suppliers Group to introduce the relevant amendments to its own guidelines and the signature of President Bush below the agreement (after a positive vote in Congress) presented Prime Minister Manmohan Singh with the biggest triumph of Indo-U.S. diplomacy to date. This agreement would almost certainly never have come about without Washington's interest in winning India's support in the balance of power with China.

India enjoys an asymmetrical advantage in its relationship with the United States compared with Pakistan and China. The large number of Indian immigrants to the United States – the Diaspora has grown to 2.5 million Indo-Americans – has fundamentally and permanently altered the balance between the (pro-Pakistan) Kashmir lobby in Congress and the "India caucus" – the group of parliamentarians and their political friends with Indian roots. The "India caucus" is now by far the largest and – due to the position of many Indian immigrants among America's "higher earners" – also the strongest financially. The fact that the Indian lobby is better organized than the pro-Pakistan lobby means that Indian influence on questions of South Asian policy now prevails in Congress, whose approval of the nuclear agreement would have been unthinkable ten years ago (Banarshee 2000). One can speculate with some certainty that this influence will prevent an all too negative shift in the balance on Capitol Hill in the event of any future differences of opinion between India and the United States. The fact that protectionism can be expected to increase in the United States under the pressure of economic problems and that India needs the American market to boost its own growth is a significant advantage. The Chinese lobby is considerably weaker in this respect and the United States has no comparable source of influence on the Lok Sabha, the Indian Parliament.

4.4 The limits to the partnership

One could conclude from all of this (as many observers do) that India and the United States are "natural friends": Two democracies with the same opponents (China, Islamist terrorism), the same values, transnational links and concurring economic interests (Burns 2007). Building on this expectation, Washington relied on India relaxing its principles of non-intervention and multilateralism somewhat and also taking part in military missions outside the UN framework (Carter 2002: 43). This hope proved to be premature for two reasons: On the one hand, there are still considerable differences of interest. On the other hand, India's view of the world and its self-image include important factors which make it unlikely that it will close ranks completely with the United States – except in the event of an extreme threat.

The two countries are in different camps with regard to the world economic order – at least judging from the experience of the recent rounds of world trade talks. The United States has consistently continued its traditional policy of calling loudly for the opening of markets when this suits the interests of the western group (for example, intellectual property), whilst at the same time putting up the shutters if its protégés have problems with competition from developing and threshold countries (for example, agriculture, textiles, outsourcing of services, i.e. the transfer of service contracts such as call centres abroad). India has shown itself to be the most determined opponent of Western agricultural protectionism in this debate. The fact that no compromise was reached in Doha in favour of the West is due to a large extent to India's negotiating position. One should not underestimate the importance of these differences of position, particularly as they also represent points of contention in bilateral trade. On the one hand, it is a question of concrete Indian interests: Their significance increases as India establishes itself as an economic power, whilst at the same time its agricultural sector with its social problems remains the biggest problem of domestic economic policy. On the other hand, India's attitude also reflects its claims to historic justice and the fundamental rights of the South to have a say in shaping the world economic order. In India's view, the current order, which was installed by the West, is biased towards the industrial countries and must be righted. India has long bid farewell to the state-interventionist concepts of the "New Economic Order" of the seventies and is now speaking out in favour of a market-driven world economy. Nevertheless, it still upholds its demands from previous controversies for appropriate compensation for the developing countries and now puts forward these demands with the vehemence of a negotiating partner with much greater economic clout (Ford 2003: Chapter 7). By the same token, voices have been heard in the U.S. Congress demanding economic retaliation against the new strategic partner because – in the opinion of these Congress Members – its unfair practices are destroying American jobs (Martin/Kronstadt 2007: 46–58; Kronstadt 2008: 59f).

India does not pursue the United States' missionary strategy in the field of human rights and democracy, although it readily professes its support for these values in joint communiqués with its U.S. partners. India is very proud of its stable democracy and (despite considerable implementation problems) appreciates the basic values of the liberal-democratic order. Together with the United States, it has called into being the UN De-

mocracy Fund (2005), which supports civil-society projects in societies undergoing democratization (Burns 2007: 140; Kronstadt 2007). But the Indians are too aware of their own colonial past to support the pressure which the former colonial powers are trying to exert on their former colonies (and other countries such as China or Iran which suffered during the imperialist phase). In addition, there are also geo-economic and geo-strategic interests (competition with China, containment of Pakistan) which prompt New Delhi to distance itself from the United States on a number of issues. This applies to Sudan, Burma, Iran and – with less intensity due to greater geographical distance – the tensions between the U.S. and the leftist governments in South America. The partners in Washington are not pleased (Burns 2007, 144). India, for its part, is indignant about the persistency with which Congress and the State-Department criticize violations of human rights in India, for which the Federal Government is usually not responsible, and sees serious discrimination against minorities such as Afro-Americans and Native Americans in the United States (Kronstadt 2008: 63ff, 70ff).

India imports significant quantities of goods from Iran and has traditionally good relations with the Mullah state because Iran is India's gateway to important regions in Central Asia (including Afghanistan), where New Delhi has both economic and strategic interests. The Iranian port of Chahbahar, which was expanded with Indian support, provides a useful counterbalance to the port of Gwador in Pakistan, which is used by the Chinese Navy (Fair 2007). India is certainly interested in Iran abstaining from nuclear armament and is demonstrating the typical attitude of nuclear weapons states which – once in possession of their own "bomb" – suddenly develop huge sympathy for the cause of non-proliferation. India has therefore supported the decisions of the Governing Council of the International Atomic Energy Agency to accuse Iran of violating its commitments (September 2005) and to pass on the dossier to the Security Council (February 2006). Iran's brief irritation over India's behaviour has not affected relations between the two countries in the long term and India is steering a careful course vis-à-vis Iran, attempting to avoid isolating or punishing Tehran. This attitude is based on strategic as well as domestic policy interests. India's conduct in the IAEA met with strong protests from the Indian left-wing and from Shiite Muslims in India (the country has the world's second largest Shiite community after Iran) (Pant 2007: 508). Neither the temporary (mild) economic sanctions imposed against individual Indian companies which do business with Iran nor sharp criticism from the U.S. Congress and the State Department have caused India to change its strategy towards Teheran. It is proceeding with a gas pipeline project from Iran through Pakistan to India despite U.S. objections (Kronstadt 2008: 26ff). The fact that the Iranian and Indian Navies conducted their second joint manoeuvre just as President Bush was visiting South Asia was a demonstration of India's independence (Pant 2007: 502).

India also has interests in the crude oil and natural gas sector in Sudan. The Indian state Oil and Natural Gas Corporation has invested in Sudan and acquired exploration and extraction rights. New Delhi does not support attempts by the West to put pressure on the regime in Khartoum, which is one of the worst human rights violators in the world. The same applies to neighbouring Burma, an important supplier of energy. India has no intention of conducting a confrontational human rights policy and driving Burma even more into the arms of its Chinese rival, which already has a naval base on the Burmese coast.

Burma's help is also important in combating the separatist groups in North East India, which would otherwise be able to operate from the neighbour's territory undisturbed. From New Delhi's point of view, thriving relations with the military junta in Burma are thus an essential part of its policy of equilibrium in Asia (Mohan 2007). It has therefore declared the issue of human rights violations by the junta to be an "internal Burmese affair", thus once again attracting the displeasure of the U.S. Congress (Kronstadt 2008: 24ff).

A distinct pattern is emerging: Democratic India, which pledges its support for human rights despite internal deficits which the Indian Government is endeavouring to remedy, is plainly averse to conducting the offensive human rights policy that the West considers to be right and which also involves imposing sanctions. This clearly distances the Indian position from that of the United States and is reflected even more strongly in the scepticism towards the concept of "humanitarian intervention", which we will address later (5.3).

Officials in the Bush Administration had good reason to call India an "effective partner of the United States but also a more formidable interlocutor in areas of disagreement" and to still identify "considerable hurdles" on the way to achieving an "effective global partnership" (Kronstadt 2008: 15). It is not surprising therefore that friction occurred even at the core of the convergence of interests, the "war on terror", precisely over the question which represents the defining moment of the presidency of George W. Bush: the American war against Iraq.

5. India and the 2003 Iraq War

5.1 The war and America's courting of New Delhi

The United States began transferring huge contingents of troops to the Gulf region, with the support of Great Britain, in preparation for the military invasion of Iraq in the second half of 2002. Justifying its intended attack on a sovereign state, the U.S. Government's initial argument referred to the implementation of UN Security Council Resolution 1441 and the right of self-defence under international law in accordance with Article 51 UN Charter (Brock 2005: 36). Accordingly, the United States accused Iraq not only of possessing weapons of mass destruction, but also of being involved in the attacks of 11 September 2001. Washington declared the removal of Saddam Hussein from power to be a necessary step in the fight against transnational terrorism and in protecting international security.

Neither of these claims could be proved despite an intensive effort on the part of the United States and extensive UN weapons inspections. The UN Security Council therefore refused to pass a resolution which would have legitimized military action against Iraq under international law. The Bush Administration, however, was absolutely determined to send its troops into battle, even without the blessing of the Security Council, and justi-

fied its unilateral course of action with a combination of arguments about self-defence and the intention to apply substantial norms such as freedom and the right to live (Brock 2005: 36).

Furthermore, the United States mobilized the so-called “coalition of the willing”. This served rather to give the forthcoming war the appearance of international legitimacy, even without a UN mandate, more than to increase its military strike capability. In this context, the United States also canvassed the support of the world’s most populous democracy for its “Operation Iraqi Freedom”. India’s participation in the 2003 Iraq War would certainly have been feasible, not least on the basis of its strategic partnership with the United States in the fight against transnational terrorism. Furthermore, India was hoping (in the medium term at least) for American backing for recognition of its nuclear status and for its aspirations to a permanent seat on the UN Security Council. A “Yes” to involvement in the Iraq War would certainly have been a mark in New Delhi’s favour as far as Washington was concerned.

Instead, the limits to the freshly-forged anti-terror alliance between Washington and New Delhi became blatantly obvious. For a moment it appeared that the Indian Government was genuinely tempted to send troops (Mohan 2008).⁶ It quickly refrained from doing so, however: opposition from the general public, Parliament and within the Coalition was too great. Although the Indian Government did not want to jeopardize its improved relations with the United States through harsh criticism of the Iraq campaign, Indian participation in the 2003 Iraq War was out of the question (Ganguly 2006b: 24).

The reasons why the Indian people and thus ultimately the Indian Government refused to participate in the 2003 Iraq War are important for an understanding of Indo-American relations and thus also for future world policy. The question arises as to how India will fulfil its role as the future world power of the 21st century and what position it will adopt on central questions of global order, also in relation to the United States. Long-standing features of an Indian foreign and security policy were mirrored in the Indian debate on the Iraq War. They are particularly revealing because those responsible in New Delhi acted in full awareness that the Iraq War was the central security policy project of India’s lately so highly esteemed American partner.

5.2 The domestic debate in India on the 2003 Iraq War

We have chosen “content analysis”, a standard instrument for examining social constructions of reality, in order to trace the reasons for India’s opposition to the 2003 Iraq War

6 This information is based on the conference paper of Raja C. Mohan who regrettably has provided no verification of his account of India’s process of deliberation concerning New Delhi’s involvement in the 2003 Iraq War. However, as Mohan is a renowned expert in the field of Indian foreign and security policy, who furthermore has good relations with the political elite in India (including at government level), one can be assured that this information is well substantiated.

with a certain degree of precision⁷. We have studied the parliamentary debates⁸ and government declarations on the Iraq War with regard to the arguments which Members of Parliament put forward for and against Indian support for the American war.⁹ In a democracy, the parliamentary debate can be considered representative of the "typical" assessments and objectives expressed in the public discourse: Parliament represents the interface between the electorate and the government.¹⁰ In this context, its function is one of public discussion and articulation (Wagner 2001: 195). This applies particularly to so-called "debating parliaments", of which the Indian Parliament is a typical example.

An analysis of the debates reveals that the arguments put forward by the Members of Parliament can be divided into four main categories:

- **National interests:** This category includes all those arguments in which a speaker supports or rejects Indian involvement in the 2003 Iraq War for reasons of national security or because it would affect India's economic interests.¹¹
- **Alliance:** This category includes all those arguments which consider the possibility of India's accession to the "Coalition of the Willing" on the basis of India's alliance commitments.¹²
- **Identity:** This refers to those arguments which are used to assess India's potential involvement in "*Operation Iraqi Freedom*" on the basis of the country's national self-image and its role in the international system of states.¹³

7 The method of content analysis is explained in detail for example in Diekmann 1999, Mayring 2003 or Rössler 2005.

8 Parliamentary debates in this context refer to debates in both the Upper and Lower House of the Indian legislative. According to the Constitution, both the Lower House (Lok Sabha) as well as the Council of States (Rajya Sabha) are part of the Indian Parliament (Wagner 2006: 44). In the run-up to the 2003 Iraq War, both houses discussed in detail the Indian position regarding the forthcoming use of military force by the United States and its allies. This is further evidence that New Delhi seriously considered the question of India's participation in the Iraq War and was thoroughly aware of its American ally's expectations in the fight against transnational terrorism.

9 These covered a total of seventeen documents from the period 4.2.2003 to 28.3.2003 which were evaluated in their entirety. They consisted of seven government statements, on the one hand, and four debates in the Lok Sabha and six in the Rajya Sabha, on the other hand, where in many cases far more than one speaker put forward his or her argument. All in all, it was not only the expected spokespersons for the Indian Government who took part in the debates, but also a wide range of representatives of the opposition parties.

10 It is largely irrelevant whether the politicians themselves believe the arguments which they put forward for or against a certain policy. It is to be assumed that politicians in democracies (where they are dependent on the support of their voters) refer to generally recognized contexts of justification.

11 Example: "Apart from the immediate consequences of military action, there are long-term implications for stability and security in an already volatile region" (Ministry of External Affairs, India 2003b).

12 Example: "Iraq has been steadfastly a very good friend of India. India has trained her armed forces. So, this is the time when we must stand by Iraq and stop this misadventure in tandem of USA and UK" (Lok Sabha 2003c: Shri K.P. Singh Deo).

13 Example: "[...] we as a nation, believing in non-alignment, peace and disarmament – of course that is being jettisoned – should in one voice, from this House and Parliament express our solidarity with the

- **International Law:** This category includes arguments which refer to the legitimacy or non-legitimacy of the 2003 Iraq War on the basis of the validity of generally recognized principles of international law or norms, regulations and principles of the United Nations.¹⁴

Based on these categories, the contributions to the debates were subjected in a second step to a quantitative content analysis, i.e. the incidence of each of the categories in the politicians' arguments was measured. The results of the content analysis are revealing in many respects. Particularly remarkable is first of all the fact that during the entire debate *not a single* argument was put forward *in favour* of Indian participation in the 2003 Iraq War. This shows that neither the Indian Government nor the Opposition regarded solidarity within the alliance with the United States as a possible reason for supporting the Iraq campaign. Such a clear position was not necessarily to be expected against the background of the Indo-American fight against terrorism. Shri Yashwant Sinha, Indian Foreign Minister at the time, remarked:

“We have worked hard to improve our relationship with the U.S. In the last few years, that relationship has been transformed and we have much more understanding now. We are interested in maintaining that relationship, but without sacrificing our national interests, without sacrificing our principles [...]” (Rajya Sabha 2003e: Shri Yashwant Sinha).

Moreover, in individual cases, the alliance argument was put forward *in favour of Iraq*. Many people in India regarded the Iraqi Government as an old friend from the Non-Aligned Movement. This argument only occurred three times, however, and thus plays a very small part in the entire debate. In other words, India's (merely informal) alliance ties with Iraq only had a minor role in the rejection of the war.

There are other aspects which the debate specifically did *not* discuss, although this could have been expected. For example, the possibility that Iraq possessed weapons of mass destruction or the resulting threat to India's national security were not put forward as arguments in favour of participating in the war. There was also no mention of Saddam Hussein's alleged involvement in the attacks of 11 September 2001.

On the other hand, the political decision-makers in New Delhi voiced a whole number of reasons for their rejection of the forthcoming Iraq campaign. Whereas the Government chose a more moderate tone, the Opposition in the Indian Parliament used plainer language to condemn U.S. aggression, some claiming that it was even imperialistic (Rajya Sabha 2003c: Shri Manoj Bhattacharya; Rajya Sabha 2003e: Shri Jibon Roy).

On the whole, there are three main arguments explaining India's negative attitude towards involvement in the 2003 Iraq War and the use of military force by the United States and its allies (Figure 4).

freedom loving people of Iraq. We must oppose the hegemonistic approach of USA” (Lok Sabha 2003b: Vijay Kumar Malhotra).

¹⁴ Example: “The Government of India must prevail and impress upon the world community that the solution lies not in unilateral action and that a solution should be found through the mechanism and modality of the Security Council Resolutions of the United Nations” (Rajya Sabha 2003e: Shri Jibon Roy).

Figure 4: Number of arguments put forward

| National Interests | Alliance | Identity | International Law |
|--------------------|------------|--------------|-------------------|
| 13 (25.00 %) | 3 (5.77 %) | 12 (23.08 %) | 24 (46.15 %) |
| Total: 52 | | | |

Arguments which can be assigned to the *National Interests* category accounted for exactly one quarter of all arguments. Here the Iraq War was rejected on the grounds that it directly harmed Indian interests. First of all, critics feared the destabilization of the South Asian region as a result of an invasion of Iraq and the fact that this would directly affect India's national security interests. One should not forget that India is home to the world's second largest Muslim community. Indian support for the war against Iraq would certainly only have fuelled the suspicions of India's Muslim minority towards the Hindu majority and would have been harmful for the country's already fragile domestic peace. It was a matter of avoiding measures which would pave the way for increased Islamist terrorism in India. Secondly, there were fears of a direct decline in prosperity due to a rise in crude oil prices and the fact that money transfers from the Indian Diaspora in the Gulf region would come to a halt. Furthermore, there was great concern for the wellbeing of Indians living in this region.

The second main line of argumentation referred to India's national *identity* as a pioneer member of the *Non-Aligned Movement* (NAM) and to the principles of Jawaharlal Nehru, on which India's foreign policy is based and to which politicians remain committed. Nehru's five principles for the reciprocal behaviour of states in the international system are: Mutual respect for each other's territorial integrity and sovereignty, non-aggression, non-intervention, equality and mutual benefit, and peaceful coexistence (Krishna 1984: 273f). These five principles were subsequently adopted by the members of the Non-Aligned Movement. A war of aggression is unthinkable for a state where the majority of citizens and politicians identify themselves with these principles. Furthermore, these principles are closely linked with values that are recognized under international law and laid down in the Charter of the United Nations Organization, for example territorial integrity or the ban on the use of force under Art. 2 (4). It is not surprising therefore that a third of the arguments quoting national identity were linked with direct criticism of the illegal nature of the impending invasion of Iraq under international law.

The claim that the 2003 Iraq War was illegal under *international law* played a prominent role in the domestic debate in India. Almost half the arguments criticized the use of military force against Iraq as unlawful. On the one hand, critics denounced any form of armed intervention in the internal affairs of a sovereign state as lacking all legitimacy. On the other hand, it was made clear that any international military action which was intended to maintain international peace would require a UN mandate. Accordingly, there could be absolutely no question of approving unilateral action on the part of the United States and its allies as this would have undermined the UN's credibility and efficiency.

The analysis of these arguments suggests first and foremost that India's foreign and security policy is determined by a balance between obvious national interests, on the one hand, and principles of identity, on the other. In other words, whereas some political decision-makers in New Delhi pleaded primarily that India should adopt a pragmatic stance within the international system in its own interest, others referred to India's role as the engine of the Non-Aligned Movement and felt wholly committed to the movement's principles. India's interests and principles therefore coincide over the question of (non-) involvement in the 2003 Iraq War. Secondly, India insists in *both* cases on the unconditional validity of international law and the UN Charter. The norms and rules of international law thus form the framework for India's foreign policy. The following section deals in detail with India's politics of international law against the background of the strong influence of international law on the country's foreign policy.¹⁵

5.3 Sovereignty – absolute and not relative: India's politics of international law

In the tradition of Mahatma Gandhi, war is an evil which should be avoided at virtually all costs (Young 2004). This attitude exercised a strong influence on the first generation of Indian democrats and is still an important factor in foreign policy today, although certainly no longer the most dominant. The only exception to this rule is the need for self-defence in the event of an attack. A study of military practice in the Indian Union produces mixed results. India is a nation which was born from the bloody, civil-war-like situation leading to its establishment, the secession of Pakistan and the subsequent fratricidal war between the two young nations on the sub-continent. India is one of the group of five democracies most frequently involved in military operations, together with the three western nuclear weapons powers and Israel. The enemy only fired the first shot in approximately half of these armed conflicts: Islamabad was the aggressor in three of the four wars against Pakistan (1947, 1965, 1999), and it was Chinese troops who mounted the rigorous offensive in the 1962 Indo-Chinese War (following heavy provocation from the Indian side). It was India which started the military operations in the 1971 Bangladesh War, the interventions in Sri Lanka (1987) and the Maldives (1988) (Müller 2006: 101–132, 203–232). In other words, India has shown itself to be “robust” despite peaceful rhetoric. Nevertheless, there are clear differences between the Indian position on military operations, international law and sovereignty and the U.S. position.

¹⁵ The term politics of international law has a double meaning. It can be interpreted as meaning the way in which policy informs and structures international law. Accordingly, many political scientists today regard international law as the expression of international power and rule relationships whose role is at the most to coordinate international cooperation. The second interpretation is based on the implications of international law for politics, whereby political activities take on a special form of legal argumentation and action (Reus-Smit 2004: 14). Cf. Fischer-Lescano/Liste 2005 for a detailed examination of the different meanings of this term.

According to the classical logic of the United States, non-observance of the norms of international law can be necessary in the interest of protecting national sovereignty (Brock 2005: 46). The legal culture deeply imbued in the consciousness of the Indian public, however, makes it almost impossible for the government in New Delhi to subordinate the norms of international law to the primacy of politics. On the contrary, New Delhi regards absolute respect for state sovereignty and other norms under international law, together with a certain degree of state commitment, as a necessary precondition for sustainable peace. Accordingly, Article 51 of the Indian Constitution refers to respect for international law and India's commitment to promoting international peace and security between nations. Furthermore, Article 253 refers to the right of Parliament to make any law for the whole or any part of the territory of India for implementing any international treaty, agreement or convention (Thakur/Banerjee 2002: 198f).

The attitude of the political decision-makers in New Delhi towards the 2003 Iraq War is not only to be seen formally in the long tradition of India's politics of international law. In 1947, India granted the United Nations the greatest authority to resolve an international conflict by bringing the Kashmir question before the Security Council in an effort to achieve an international condemnation of Pakistan's cross-border aggression (Wagner 2006: 195). Even if India could not be satisfied with the relevant UN resolutions, it did not question the organization's fundamental significance (Krishna 1984: 281).¹⁶ Military operations by the Indian army which were not clearly for the purposes of self-defence were always strictly justified according to the principles of international law.¹⁷ These took place in Sri Lanka and the Maldives with the agreement of, or following calls for help from, the respective government. The Indian Government justified its intervention in East Pakistan in 1971 by quoting the danger of destabilization to which India's eastern provinces were subjected as a result of the huge flows of refugees (approximately 10 million) following the massacre of East Bengalis by the Pakistani armed forces.¹⁸ Whilst India did not speak out against the UN-mandated Gulf War in 1991, the Indian Government vehemently opposed the NATO operations in Kosovo in 1999 as there was no UN mandate in this case (Thakur/Banerjee 2002: 178). New Delhi did not have reservations with regard to the

16 Since then India itself has become the target country of a UN mission (UNMOGIP), which is based on Security Council Resolution 47 dating back to 1948. The mission controls the cease-fire between India and Pakistan in Kashmir (Thakur/Banerjee 2002: 178). However, this measure met with little enthusiasm in India. It should therefore be mentioned that since then India has endeavoured to avoid involving the UN in its conflicts, trying instead to solve them bilaterally (Krishna 1984: 282).

17 This does not apply in the case of the U.S. even if it did originally plead self-defence in the sense of the UN Charter with regard to the 2003 Iraq War. However, arguments were also put forward in the American debate denying the UN all legitimization to regulate interstate conflicts because its members include autocratic states and claiming unilateral action to be absolutely legitimate. India's understanding of international law considers this line of argument to be completely wrong.

18 India tried to declare the attack on Pakistan on 3.12.1971 an act of self-defence and referred to Article 51 of the UN Charter. The Indian Ambassador Sen claimed that Pakistan had committed a new type of crime against India and described this as "refugee aggression" which violated India's territorial and economic integrity (Wheeler 2000: 61).

2001 Afghanistan War, which was legitimated under international law. It offered the United States immediate and unreserved support in the fight against the Taliban regime.

One should not therefore regard the strikingly frequent references to international law with which the invasion of Iraq was judged to be unlawful in the Indian domestic debate as a mock argument to conceal other motives. India has long put forward the view that international military operations must be legitimized by the United Nations. New Delhi is also willing to take part in such cases. Under this policy, India has been one of the largest providers of troops for UN peace missions for many years now and currently provides the third largest contingent of 8,079 soldiers (United Nations 2008).

This offers an important insight into India's political preferences: It is prepared to provide military aid when it is a matter of preserving territorial integrity, but not when it involves destroying territorial integrity or forcing a change of regime. According to the Indian view of state sovereignty, international troops only have the right to act on foreign territory with the express permission of the host country.

India steadfastly refutes the concept of humanitarian intervention (it even based its own operations in West Pakistan in 1971 on security policy demands rather than on humanitarian arguments). New Delhi is extremely sceptical and perhaps even concerned about the inflationary use of the concept of humanitarian intervention following the end of the East-West conflict. For example, it was highly critical of NATO's Kosovo War. This was not just because it represented an attack on (Rest-)Yugoslavia, an old friend from the Non-Aligned Movement. India also feared that it too could become the target of such an intervention against the background of the endless criticism of its Kashmir policy (particularly in the U.S. Congress). India was also not very happy that it was the former colonialists which were violating the sovereignty of other states under the banner of humanity. "Humanitarian intervention" was (and still is) suspected of being a pretext for imperialism in a new guise, but with the same old hegemonic aims (Mohan 2007). In this context, India sharply rejected unilateralism outside the official decision-making procedures of the Charter of the United Nations. It saw clear parallels between the self-authorization of the western democracies and the self-authorized seizure of territories in foreign regions during the colonial era. India sees the West less as the "free world" – and thus as the true home of Indian democracy – than as the unrepentant heirs of those people against whom the Indians had to fight for democracy and independence and who are once again trying to assert their own political interests at the expense of weaker states under the cloak of humanitarianism (Hoffmann 2002; Thakur/Banerjee 2002: 185). India interprets the goal of western democracies in particular to institutionalize the idea of human rights in international legislation in recent years as a hegemonic discourse and an attempt to change the meaning of the UN Charter to allow intervention (Sharma 2003). It is essential to remember India's colonial past if one wants to understand the country's politics of international law and its strict adherence to the idea of state sovereignty. India had to fight too long and too hard for self-determination for it to abandon the principle of sovereignty today.

One can therefore assume that the rules and principles of international law – particularly respect for state sovereignty and the multilateral resolution of international conflicts – are deeply embedded in India's foreign policy culture. Against the background of stra-

tegic considerations, the Indian executive occasionally tries to put considerations of international law aside, as shown by some of the examples described above. This is also demonstrated by the fact that India did briefly consider providing military aid for the 2003 Iraq War for the sake of its good relations with the United States. But this example in particular shows that a cool, pragmatic executive soon comes up against the limits imposed by the country's political culture: Public opinion and unanimous parliamentary resistance would have brought down the ruling coalition. The executive would have found the subsequent barriers to involvement in the war insurmountable.

The strong internalization of norms can be seen from the fact that these arguments are used with particular emphasis to justify India's own foreign policy actions (Finne-
more/Sikkink 1998: 892). The international law arguments played a prominent role in India in the debate on the 2003 Iraq War. These arguments only played a comparatively minor role in the parliamentary debates in the United States, even among opponents of the Kosovo and Iraq Wars. This is in stark contrast to the Indian partner.¹⁹ It is therefore unlikely that New Delhi only ostensibly presented these arguments in order to conceal other interests. After all, India could have put forward any other "viable" argument (for example, the principles of the Non-Aligned Movement) when explaining its reasons for not participating in the 2003 Iraq War. One cannot therefore expect to see India taking part in unilateral military actions in the foreseeable future, i.e. actions outside the framework of the United Nations (Schreer/Wagner 2005: 4).

6. Conclusions

It is one of the few foreign policy successes of the Bush Administration that it was able to continue President Clinton's policy and thus considerably improve relations with India. This enhanced the position of the United States in the Asian region and expanded its scope for action.

Secretly Washington had hoped that this development would help to engage New Delhi more closely in its "Grand Strategy". The two most important components in this context are the containment of China and the "war on terror" in the form chosen by the Bush Administration. This engagement did not succeed in the desired manner in either respect. Like the United States itself would do in a similar position, India considers America's demands in the light of its own interests and values and decides on its own contribution to cooperation accordingly. The "strategic partnership" between India and the United States is put into perspective by the fact that India also has "strategic partnerships" with China, Russia and even Iran (Kronstadt 2008: 22ff). India's approach to balancing out China's power is more discreet than the Pentagon may wish for and involves an effort to

19 Result of an analysis of the content of debates in the U.S. Congress within the framework of a HSFK project entitled "Kriege der Demokratien seit dem Ende des Ost-West-Konflikts", in preparation).

consolidate cooperation with its biggest Asian rival. India supports the United States' efforts in the "war on terror" in Afghanistan and cultivates cooperation in the field of intelligence, but it is not prepared to take every unilateral step with its U.S. partner. The Iraq War has shown how far India is willing to go as an ally.

Behind all this lie considerable differences with regard to shaping the international order. Increasingly, the United States has developed an instrumental attitude towards international law, appealing to it when it serves Washington's interests and ignoring it when it contradicts these interests. It would appear that in India international law is more firmly anchored as a fundamental principle of international order.

There are similarly serious differences with regard to sovereignty. Admittedly, the United States too insists on the inviolability of its *own* sovereignty, which is sometimes expressed in its selective treatment of relations under international law. Sovereignty as a guiding principle which also protects all other states, however, is not (any longer) part of the American way of thinking. India, in contrast, sees its own sovereignty, to which it attaches supreme importance, in the context of the generally valid principle of sovereignty and does not intend to make any concessions on this point. Exceptions are only allowed on the basis of the UN Charter: An intervention in the sovereignty of a state which is mandated by the Security Council is admissible according to Indian standards – because it is legitimized under international law – unilateralism is not.

The Indian position does not idealistically disregard the country's own interests and power considerations. This is clear from the expression of such interests in the debate on the 2003 Iraq War. The fact is that India sees its interests and its position of power well protected by the international legal order which safeguards its sovereignty. Unlike the United States in recent years, India does not regard international law and international organizations as a ball and chain but as a support for its own sovereignty. Although the executive is occasionally inclined towards opportunist infringements of international law, it is prevented from giving in to temptation and copying Washington's treatment of the rules of international law by the strong belief in international law among both the public and Parliament. The fact that neither the U.S. Government's willingness to recognize India's nuclear status nor the hope that Washington would help India to obtain a permanent seat on the UN Security Council could persuade India to compromise shows just how strongly this outlook is embedded in the country's foreign policy culture.

India will not sacrifice its autonomy, which serves principally to preserve its own interests and assert its own principles, on the altar of an alliance with the superpower. Instead, it will strive to maintain good relations with the United States without surrendering fundamental principles of its own policies (Varadarajan: 2008). Since the United States' policy towards Asia relies on New Delhi, the Indians have the best chances of succeeding with this attitude.

It is interesting from the German point of view that the Indian position on both international law and the United Nations is far closer to that of Berlin than to that of Washington. Germany too sees its own national interests closely linked up with the international legal order, but is considerably less inclined to employ power politics than India. Ger-

many – as a member of the EU – is more willing than India to regard sovereignty as a relative quantity.

It is therefore important for Europe as a whole and for Germany in particular to abandon the ritual of annual meetings and a European strategy towards India that exists mainly on paper and to begin to develop well-planned political relations with this increasingly important nation. Both Europe and Berlin still regard India largely as a market. They are still not fully aware of the fact that India is also a world power and will become increasingly so.

There are three good reasons for strengthening relations with India: First of all, India could be an interesting ally when it comes to asserting and expanding the international legal order despite Washington's displeasure. Secondly, the cultivation of European-Indian relations would be useful in the possible event of more serious tensions occurring between Washington and New Delhi as a result of divergences between American and Indian viewpoints. A second band of relations between the transatlantic community and the emerging Asian world power could then help to preserve the friendly relations between India and "the West" even in periods of American-Indian setbacks. After all, one can hardly expect American and Indian interests and principles to remain completely congruent in the post-Bush era. Thirdly, carefully planned relations with New Delhi are also advisable in the extremely unlikely event that China should prove to be a spoil sport in the field of cooperative world politics.

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